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Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Argentina, Australia*, Austria, Belgium*, Bulgaria*, Canada, Czech Republic, Denmark, Estonia*, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Japan, Latvia*, Lithuania*, Luxembourg, Netherlands*, Poland, Portugal*, Romania*, San Marino*, Slovakia*, Slovenia*, Spain*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland: draft resolution

1998/... Situation of human rights in Nigeria

The Commission on Human Rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other applicable human rights instruments,

Recalling that Nigeria is a party to, inter alia, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling previous resolutions of the General Assembly and the Commission on Human Rights, most recently General Assembly resolution 52/144 of 12 December 1997 and Commission resolution 1997/53 of 15 April 1997,

Noting that the Commonwealth has been concerned about the continued existence of a military government and the failure to observe fundamental human rights, and has decided that Nigeria should remain suspended from the Commonwealth,

Noting also the decision of the Governing Body of the International Labour Organization at its 271st session in March 1998 to initiate a Commission of Inquiry into abuses of labour rights in Nigeria under the procedure set out in article 26 (4) of its Constitution,

1. Welcomes:

(a) The report on the situation of human rights in Nigeria submitted by the Special Rapporteur (E/CN.4/1998/62);

(b) The declared commitment by the Government of Nigeria to civilian rule, multi-party democracy and freedom of assembly, press and political activity by 1 October 1998, and recalling in this regard the declaration of 1 October 1995 which General Abacha reconfirmed on 17 November 1997;

2. Expresses its deep concern:

(a) At continuing grave violations of human rights and fundamental freedoms in Nigeria, including arbitrary detention, as well as failure to respect due process of law;

(b) That a number of military and civilian persons are being tried, in camera and without access to a lawyer of their own choice, in connection with an alleged coup attempt, by the same flawed judicial process which led to the arbitrary execution of Ken Saro-Wiwa and his associates;

(c) At the life-threatening prison conditions and at the death while in detention of Shehu Yar 'Adua;

(d) That the Nigerian authorities have refused a visit by the Special Rapporteur;

(e) That the absence of representative government in Nigeria has led to violations of human rights and fundamental freedoms and is contrary to the popular support for democratic government as evidenced in the 1993 elections;

3. Calls upon the Government of Nigeria:

(a) To ensure urgently the observance of human rights and fundamental freedoms, including by respecting the right to life, by releasing all political prisoners including those detained in connection with the 1993 presidential elections, among them Chief M.K.O. Abiola, trade union leaders, human rights advocates and journalists currently detained and by guaranteeing freedom of the press, freedom of opinion and association and respect for the rights of individuals, including persons belonging to minorities;

(b) To repeal all relevant decrees which oust the jurisdiction of the courts and to ensure that the court orders are promptly and fully implemented;

(c) To ensure that all trials are held fairly and promptly and in strict conformity with international human rights standards;

(d) To ensure that the treatment of prisoners and their conditions of detention are in accordance with recognized international standards;

(e) To abide by its freely undertaken obligations under the International Covenants on Human Rights and other human rights instruments, and notes with interest in this regard the recommendations of the Human Rights Committee to the Government of Nigeria (see CCPR/C/79/Add.65), and to respect the decisions of the African Commission on Human and Peoples' Rights as cited by the Special Rapporteur in his report;

(f) To take concrete and credible steps to restore democratic government without delay, to end rule by decree and to permit an observer presence during transition, as recommended by the United Nations fact-finding mission;

(g) To fulfil its obligations under the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the International Labour Organization and to cooperate without delay with the Commission of Inquiry of the International Labour Organization;

(h) To ensure the independence of the National Human Rights Commission in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights annexed to General Assembly resolution 48/134;

(i) To implement fully its interim undertakings to the Secretary-General without further delay and to respond in full to the recommendations of the Secretary-General's mission to Nigeria;

(j) To cooperate fully with the Commission and its mechanisms, including requests by the Special Rapporteur to visit Nigeria;

(k) To implement fully all the other recommendations of the Special Rapporteur;

4. Decides:

(a) To extend the mandate of the Special Rapporteur, as contained in Commission resolution 1997/53, for a further year, and requests the Special Rapporteur to submit an interim report to the General Assembly at its fifty-third session, and to report to the Commission at its fifty-fifth session, and to keep a gender perspective in mind when seeking and analysing information;

(b) To request the Secretary-General to continue to give all necessary assistance to the Special Rapporteur to enable him to discharge his mandate fully;

(c) To continue the examination of the situation of human rights in Nigeria at its fifty-fifth session under the same agenda item.